

Serial No. 09/831,432

Art Unit: 1751

## REMARKS

Claim Status

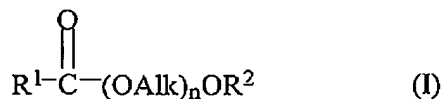
In the "Office Action Summary", Claims 14-36 are indicated as pending. By way of the Response dated July 25, 2007, Claims 14 and 32 were canceled. Accordingly, Claims 15-31 and 33-36 are the claims pending in the present application.

Rejections under 35 U.S.C. Sections 102(b) and 103(a)

Claim 18 is the main claim of the present application and calls for:

"A method of rinsing machine-washed tableware materials, said method comprising:

(a) providing a rinse agent comprising (i) an alkoxyated carboxylic acid ester with a narrow homolog distribution of a formula:



wherein  $\text{R}^1\text{C(O)}$  represents an aliphatic acyl group, each  $\text{AlkO}$  independently represents an alkoxyate selected from the group consisting of  $\text{CH}_2\text{CH}_2\text{O}$ ,  $\text{CHCH}_3\text{CH}_2\text{O}$  and  $\text{CH}_2\text{CHCH}_3\text{O}$ ,  $n$  is a number of from 1 to 20, and  $\text{R}^2$  represents an aliphatic alkyl group and (ii) an additional nonionic surfactant selected from the group consisting of fatty alcohol polyglycol ethers, alk(en)yl oligoglycosides, fatty acid-N-alkyl glucamides, hydroxy mixed ethers, mixed ethers, and mixtures thereof; and

(b) contacting a tableware material surface with the rinse agent during machine washing of the tableware material surface."

Claims 14-17, 25-28, 31, 33-35 are rejected under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over JP 05-202382.

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According to the Examiner, JP 05-202382 (JP'382) discloses an alkoxylated carboxylic acid ester and that the "this reference teaches all of the instantly required it is anticipatory."

As discussed above, Claim 14, the independent claim, was canceled.

Hence, the rejection is moot in view of Applicants' previous response.

The Examiner is kindly requested to reconsider and withdraw the rejection.

Claims 18-19, 24, 29-30 and 32-36 are rejected under 35 USC 103(a) as unpatentable over JP'382 in view of Haerer et al. (US 5,602,093). The rejection is respectfully traversed.

According to the Examiner, JP'382 lacks the inclusion of an additional nonionic surfactant such as alkyl polyglucoside and alkyl polyglycol ethers as taught in US'093.

The invention of Haurer is directed to:

**... mixtures of alkyl polyglycosides and alkyl polyglycol ethers or mixtures of alkyl polyglycosides and modified alkyl polyglycol ethers (end-capped fatty alcohol ethoxylates) or mixtures of alkyl polyglycosides, alkyl polyglycol ethers and modified alkyl polyglycol ethers with organic carboxylic acids do not have any of the disadvantages mentioned above, but fully satisfy the requirements which a commercial product is expected to meet both in regard to biological degradation and in regard to performance properties. See Column 2, lines 24-34. (Emphasis added.)**

The **disadvantages** referred to above are the high-foaming formulations of alkyl polyglycosides, which cause unacceptable foaming of rinse aid formulations. See Column 1, lines 43-46.

US'093 addresses this problem by providing mixtures of alkyl polyglycosides with the above-described nonionic surfactants.

JP'382, at Paragraph 0018, broadly discloses that nonionic, anionic and cationic surfactants can be combined with the alkoxylated carboxylic acid ester.

There would then be no specific reason or direction for one of skill in the art to combine the alkoxylated carboxylic acid esters of JP'035 with alkyl polyglycoside and/or

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alkyl polyglycol ether, as suggested by the Examiner, absent the use of Applicants' own disclosure.

The Examiner is kindly requested to reconsider and withdraw the rejection.

Claims 21 and 22 stand rejected under 35 USC 103(a) as unpatentable over JP '382 in view of Lewis (US 5,612,305).

Lewis discloses a surfactant mixture of at least one uncapped ethoxylated nonionic medium-to-high foaming surfactant and at least one propylene oxide-capped nonionic low-foaming surfactant.

JP'382, at Paragraph 0018, broadly discloses that nonionic, anionic and cationic surfactants can be combined with the alkoxyated carboxylic acid ester.

There would then be no specific reason or direction for one of skill in the art to combine the alkoxyated carboxylic acid esters of JP'035 with the specific surfactant mixture of Lewis, as suggested by the Examiner, absent the use of Applicants' own disclosure.

The Examiner is kindly requested to reconsider and withdraw the rejection.

Claims 20-23 are rejected under 35 USC 103(a) as unpatentable over JP '382 in view of Kwetkat et al. (US 6,156,721). The rejection is respectfully traversed.

Kwetkat et al. is directed to a surfactant composition containing an anionic gemini surfactant. At Column 8, lines 52-67 and Column 9, lines 1-5, Kwetkat discloses a very broad group of suitable nonionic surfactants which may be included in the anionic surfactant, including hydroxy mixed ethers and the N-methyl alkylglucamides.

JP'382, at Paragraph 0018, broadly discloses that nonionic, anionic and cationic surfactants can be combined with the alkoxyated carboxylic acid ester.

There would then be no specific reason or direction for one of skill in the art to combine the alkoxyated carboxylic acid esters of JP'035 with any of the particular broad

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group of nonionic surfactants taught by Kwekat as suitable for combination with the anionic Gemini surfactants of Kwekat.

The Examiner is kindly requested to reconsider and withdraw the rejection.

Claims 31-36 stand rejected under 35 USC 103(a) as unpatentable over Hees et al. (US 5,753,606) in view of Haerer et al. (US 5,759,987). The rejection is respectfully traversed.

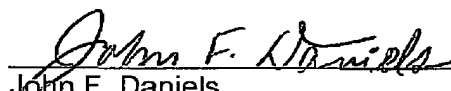
Claims 31-36 stand rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8; 1-12; 1-11 and 25; and 1-14 of U.S. Patent Nos. 6,602,838; 6,384,009; 6,683,035; and 6,660,706; respectively. Applicants respectfully submit that in view of the amendments to claims 31-36, the rejection is moot.

The above rejections are rendered moot by the cancellation of Claims 31-36 without prejudice. Applicants explicitly reserve all rights in the subject matter of these claims.

Favorable reconsideration and an Allowance of Claims 15-30 are respectfully solicited.

Respectfully submitted,

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Date

  
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John F. Daniels  
(Reg. No. 34,314)  
Attorney for Applicants  
(215) 628-1413

Cognis Corporation, Patent Dept.  
300 Brookside Avenue  
Ambler, PA 19002

JFD/ras